

Remarks/Arguments:

Claims 1-2, 4-24, and 26-42 are pending in the application. Claims 3 and 25 are canceled.

Claims 27, 29-30, 32, and 36-39 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, it is not clear to which yarns the term "said yarns" in the claims are referring. Applicant herein amends Claims 27 and 32 to overcome the Examiner's rejection.

Claims 1-2, 6-7, 14, and 23-24 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,806,959 to Gross. Claims 4 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of U.S. Patent No. 6,800,367 to Hanyon. Claims 5, 9-11, 15-16, 19, 22, 29-31, 34-36, and 39 stand rejected under U.S.C. 103(a) as being unpatentable over Gross and further in view of GB 2152542 A to Edwards. Claims 15, 19, 35, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross and Edwards, and further in view of U.S. Patent No. 6,626,964 to Lunsford et al. Claims 8, 12, 17-18, 28, 32, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross and Edwards, and further in view of U.S. Patent No. 5,033,262 to Montgomery.

Applicant appreciates the courtesies extended to Applicant's counsel during a telephone interview on February 10, 2005. The substance of that interview is as follows:

1. The interview did not include any exhibits or demonstrations.
2. Independent Claims 1 and 23 were discussed.
3. The prior art discussed included U.S. Patent No. 3,806,959 to Gross, U.S. Patent No. 6,800,367 to Hanyon, GB Patent Publication GB 2152542 to Edwards, and U.S. Patent No. 5,033,262 to Montgomery.
4. Applicant's counsel proposed to amend independent Claims 1 and 23 to recite (a) a first set of yarns comprising an intimate blend of at least about 70 percent modacrylic fibers, and (b) a second set of yarns comprising an intimate blend of anti-static and modacrylic fibers.

5. The prior art (Montgomery) teaches a yarn having a core-spun structure, whereas Applicant's invention comprises an intimate blend of fibers.
6. No other pertinent matters were discussed.
7. The general results of the interview are described in the Interview Summary Form.

As a result of the interview, Claims 1 and 23 have been amended to more clearly define Applicant's invention. In particular, Applicant's invention comprises two yarn types. A first yarn type comprises an intimate blend having at least about 70 percent modacrylic fibers and at least one other fiber. A second yarn type comprises an intimate blend of anti-static and modacrylic fibers. A fabric so formed from these two yarn types meets the Federal Test Method Standard 191A, Method 5931 for electrostatic decay, and the Electrostatic Discharge Association Advisory ADV11.2-1995 for voltage potential.

The prior art is different. The Gross patent is directed to a blanket construction wherein yarns may be formed as a blend of modacrylic fibers and fine long metal fibers such as stainless steel. Gross, however, does not recognize a fabric structure having two yarn types wherein (1) at least some of the yarns comprise an intimate blend of at least about 70 percent modacrylic fibers and at least one other fiber, and (2) at least some of the yarns comprise an intimate blend of modacrylic fibers and anti-static fibers, wherein the fabric structure meets the Federal Test Method Standard 191A, Method 5931 for electrostatic decay, and the Electrostatic Discharge Association Advisory ADV11.2-1995 for voltage potential. Gross teaches only that metallic fibers should somehow be placed in the yarn or in the fabric itself in an amount between 0.10 and 2.0 percent, but does not teach why or how that percentage provides a solution to a particular electrostatic problem. In fact, Gross does not even acknowledge the need to provide a fabric structure that meets any particular industry standard for personnel protection.

The Montgomery et al. patent is directed to a corespun yarn having a core of high temperature resistant fibers (aramid), a core wrapper of low temperature resistant fibers, and an outer sheath of low temperature resistant fibers (modacrylic) covering the core wrapper. Thus, it should be clear Montgomery et al. does not disclose a structure in which fibers are intimately blended. Further, Montgomery et al. also does not recognize that such a yarn and fabric structure must meet the standards described in Applicant's application.

Appl. No. 10/607,092
Amdt. dated March 17, 2005
Reply to Office Action of November 17, 2004

With respect to support in Applicant's specification for the proposed amendments, Applicant would direct the Examiner to pages 7 and 8 of the specification where the amendments herein are fully supported.

Applicant respectfully submits that the pending application is now in condition for an immediate allowance with Claims 1-2, 4-24, and 26-42, and such action is requested. If any matter remains unresolved, Applicant's counsel would appreciate the courtesy of a telephone call to resolve the matter.

Respectfully submitted,



Lewis S. Rowell
Registration No. 45,469
C. Robert Rhodes
Registration No. 24,200
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, Georgia 30357-0037
336-574-8090

Date: March 17, 2005